

# CROATIA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and nominates the prime minister, who leads the government, based on majority support of the Croatian Parliament. The latest presidential elections were held in 2015, and the president was elected by a majority of voters. Domestic and international observers stated that the latest parliamentary elections held in September 2016 and the latest presidential elections held in 2015 were free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included corruption; violence and threats of violence towards journalists; violence targeting asylum seekers and migrants, and threats towards members of ethnic minority groups. Authorities generally investigated, and where appropriate, prosecuted such cases.

The government took significant steps to prosecute and punish individuals who committed abuses of human rights.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities; however, a significant number of cases of missing persons from the 1991-95 conflict remained unresolved. The government reported that as of October 18, more than 1,500 persons remained missing, and the government was searching for the remains of 414 individuals known to be deceased, for a total of 1,922 unsolved missing persons cases. The Ministry of Veterans Affairs reported that in the period from January 1 to October 19, the remains of 14 individuals were exhumed (a 20

percent decrease from the previous year), and final identifications were made for 29 individuals (a 27 percent increase over the previous year). Progress remained slow due to jurisdictional, political, and technical challenges. Government officials met with Serbian counterparts in May to discuss cooperation on resolution of missing persons cases.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there were reports of isolated and sporadic cases of physical and verbal mistreatment of prisoners and detainees.

#### **Prison and Detention Center Conditions**

There were some reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: Several prisons remained overcrowded, such as Osijek Prison (159 percent). According to the February report of the Council of Europe's Committee for the Prevention of Torture (CPT), there were still instances of living space below the minimum of 10-square-feet per inmate. Prisoner complaints generally concerned inadequate facilities, quality and accessibility of medical care, and mistreatment.

There were reports of isolated and sporadic cases of physical and verbal mistreatment of prisoners and detainees by correctional officers. Some prisoners and detainees alleged mistreatment consisting mainly of slaps, punches, and kicks inflicted at the time of arrest, during questioning at a police station, and later in prison. According to the CPT, in a few cases, medical evidence supported the allegations. The CPT report on its 2017 visit also included allegations of physical mistreatment and verbal abuse of patients at prison hospitals by custodial staff.

According to the CPT report, inter-prisoner violence was also a source of concern. The report noted several cases involving serious physical injuries inflicted on inmates by their cellmates, including a case of subdural hematoma (internal bleeding around the brain) and broken ribs.

Administration: The Ombudsperson for Human Rights investigated credible allegations of mistreatment, and issued recommendations to improve conditions for detained persons, reduce the use of coercion, and improve investigation of police

brutality cases. The Office of the Ombudsperson conducted 26 visits between January and June but reported no significant major system improvements.

Independent Monitoring: The law provides for appointment of independent civil supervisors of police. No members of a supervisory group have been appointed, however, which government officials attributed to a lack of interested candidates. The Ministry of Justice (MOJ) reported progress cooperating with civil society organizations on the implementation of the individual punishment and education programs aimed at reducing recidivism.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

#### **Role of the Police and Security Apparatus**

The national police, under the control of the Ministry of the Interior, have primary responsibility for domestic security. In times of disorder, the prime minister and the president may call upon the armed forces to provide security. The intelligence services are under the authority of the prime minister and the president. Civilian authorities maintained effective oversight over police, the armed forces, and the intelligence services. The government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces.

#### **Arrest Procedures and Treatment of Detainees**

Other than those arrested during the commission of a crime, persons were apprehended with warrants issued by a judge or prosecutor based on evidence. Prosecutors may hold suspects for up to 48 hours detention. Upon request of prosecutors, an investigative judge may extend investigative detention for an additional 36 hours. Authorities informed detainees promptly of charges against them. The law requires a detainee be brought promptly before a judicial officer, and this right was generally respected. The law limits release on bail to only those cases in which the sole concern of the state is flight risk. Authorities allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the state.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Cases of intimidation of state prosecutors, judges, and defense lawyers were isolated. The overall judicial backlog decreased 37 percent from 2013-17. As of September 30, the judiciary as a whole had a backlog of 426,763 cases (down from 474,345 in 2017), with the highest percentage of unsolved cases pending before municipal courts.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and the independent judiciary generally enforced this right.

Defendants enjoy the presumption of innocence. They must be informed promptly and in detail of the charges against them. Defendants have a right to a fair, public, and timely trial and to be present at their trial. They have the right to communicate with an attorney of their choice or to have one provided at state expense.

Defendants enjoy the right to adequate time and facilities to prepare a defense.

Any defendant who cannot understand or speak Croatian has free access to an interpreter, from the moment charged through all appeals. Defendants have the right to confront witnesses against them and present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt.

Defendants and prosecutors may file an appeal before a verdict becomes final, and defendants may file an appeal through the domestic courts to the European Court of Human Rights (ECHR).

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals may seek damages for, or cessation of, an alleged human rights violation. Individuals may appeal to the ECHR after all domestic legal remedies have been exhausted or after a case has been pending for an excessive period in domestic courts. Administrative remedies were also available. The backlog in domestic courts raised concerns regarding judicial effectiveness, efficiency, and the rule of law. NGOs reported that violation of the right to trial within reasonable time remained one of the fundamental problems of the judiciary. In some civil

cases, especially with regard to property, proceedings lasted for more than a decade.

### **Property Restitution**

The government has laws in place to support its responsibilities as a signatory to the Terezin Declaration. The government, however, continued to lack a legislative framework to resolve property restitution issues. Croatia has never accepted restitution claims for property seized during the Holocaust period (1941-45) and has inconsistently permitted noncitizens to file claims.

According to the 1996 Law on Compensation for the Property Taken during the Former Yugoslav Communist Regime, restitution of property seized during the Communist era was limited to individuals who were citizens of the country in 1996, when parliament passed the restitution law, and claims could only be filed within a specified window, which closed in January 2003. Consequently, the law did not apply to persons, including Holocaust survivors, whose property was expropriated but who left the country and obtained citizenship elsewhere. A 2002 amendment to the law allowed foreign citizens to file claims if their country of citizenship had a bilateral restitution treaty with Croatia. In 2010, however, the Supreme Court ruled that the government cannot require such a treaty as a necessary condition for restitution. In 2011 the Ministry of Justice attempted unsuccessfully to amend the legislation to reflect this finding and reopen claims. At the time the government estimated the amendment might benefit between 4,211 and 5,474 claimants. The government has taken no subsequent steps to amend the law. NGOs and advocacy groups reported the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia. There have been no restitutions of Jewish communal property since 2014, although several requests remained pending.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined in most cases to promote freedom of expression, including for the press. NGOs reported, however, that the government did not adequately investigate or prosecute cases in which journalists or bloggers received threats.

Freedom of Expression: The law sanctions individuals who act “with the goal of spreading racial, religious, sexual, national, ethnic hatred, or hatred based on the color of skin or sexual orientation or other characteristics.” The law provides for six months to five years imprisonment for conviction of such “hate speech.” Conviction for internet hate speech is punishable by six months to three years imprisonment. Although the law and recent Constitutional Court decisions technically impose restrictions on symbolic speech considered “hate speech,” including the use of Nazi- and Ustasha (the World War II regime)-era symbols and slogans, NGOs and advocacy groups complained that enforcement of those provisions remained inadequate.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. Restrictions on material deemed hate speech apply to print and broadcast media. Many private newspapers and magazines were published without government interference. Observers said, however, that information regarding actual ownership of some local radio and television channels was not always publicly available, raising concerns about bias, censorship, and the vulnerability of audiences in the country to malign influence.

On February 22, the Sisak city council prohibited Croatian Radio Television (HRT) journalist Igor Ahmetovic from entering an open city council session for reporting purposes. The Croatian Journalists’ Association (CJA) publicly demanded Sisak overturn that prohibition, stating the prohibition was a violation of the constitutional right to free reporting and access to information. A lawsuit filed by Ahmetovic against the city remained ongoing at year’s end.

Violence and Harassment: NGOs reported that physical attacks and threats, especially online threats, against journalists had an increasingly chilling effect on media freedom and that the government was insufficiently addressing this problem.

For example, in July the Zadar district attorney indicted soccer player Jakov Surac on charges he committed battery and made death threats against journalist Hrvoje Bajlo. The indictment stated Surac committed the crime specifically because of Bajlo's work as a journalist. The case was ongoing.

Additionally, in August the Split district attorney declined to press criminal charges against war veteran Stipe Perkovic Tabak for online statements that *Index.hr* journalists should be killed. The CJA condemned this decision, stating the court allowed Perkovic Tabak's veteran status to give him immunity.

**Censorship or Content Restrictions:** Members of the press reported practicing self-censorship for fear of receiving online harassment, upsetting politically connected individuals, or losing their jobs for covering certain topics.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, 67 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government in most cases cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In August, however, UNHCR criticized the government for violent pushbacks of illegal migrants; the government stated that approximately 2,500 refugees and migrants were turned back at the border during the first eight months of the year.

Abuse of Migrants, Refugees, and Stateless Persons: International and domestic NGOs reported police violence against asylum seekers and migrants, particularly on the country's border with Bosnia and Herzegovina (BiH).

UNHCR and several NGOs published reports alleging border police subjected migrants to degrading treatment, including verbal epithets and vulgarities, destruction of property, and beatings, including of vulnerable persons such as asylum seekers, minor children, persons with disabilities, and pregnant women. NGOs reported several migrants alleged border guards beat them while they were holding their infants or toddlers. One female migrant told NGOs male border police officers subjected her to a strip search in the forest in the presence of adult male migrants.

NGOs reported cases in which authorities kept families of asylum seekers detained in correctional facilities rather than in asylum reception centers. They stated police confined the families in cells for long periods, and children did not have access to outdoor exercise, education, books, or age-appropriate toys. In April the ECHR ordered the government to release one family from detention and allow them freedom of movement. In September the Council of Europe's commissioner for human rights called on the government to launch prompt and independent investigations regarding allegations of police violence and theft against refugees and migrants and of collective expulsion.

Domestic NGOs working on migrants' rights reported police pressure, such as extensive surveillance and questioning of employees' close associates and family members. Similarly, the ombudsperson's 2017 report described pressure imposed on her office by some high-ranking officials from the Ministry of the Interior who said she should not have discussed nor debated cases in public. In October the ombudsperson said the Ministry of the Interior had repeatedly denied her access to

information on police treatment of migrants. The Ministry of the Interior stated it adequately responded to the ombudperson's requests.

The Ministry of the Interior publicly denied all allegations of violence or inhuman treatment of migrants and all allegations of pressuring humanitarian workers. In response to a query from the Council of Europe Human Rights Commissioner, Minister of the Interior Davor Bozinovic wrote that the Ministry of the Interior investigated all complaints received but had not found enough concrete data to warrant a criminal investigation.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum and refugee status, and the government has established a system for providing protection to asylum seekers. NGOs reported authorities at the border between Serbia and BiH prevented some migrants from applying for international protection, although officials denied these reports.

In June, claiming insufficient evidence, state prosecutors declined to prosecute a criminal case against police in the November 2017 death of a six-year-old Afghan girl killed by a train on the border with Serbia. The ombudsperson publicly called for an independent investigation into the actions of border police.

The Ministry of the Interior, in cooperation with several NGOs, provided applicants for international protection with housing and board, legal counseling, and psychological and humanitarian support. NGOs reported good cooperation with the Ministry of the Interior in the two asylum reception centers, Porin and Kutina, and asserted quality of services was generally good, giving education and medical services as positive examples. NGOs identified a need for increased psychiatric support, including for post-traumatic stress disorder, suicidal ideation, and drug/alcohol dependence.

In August the Ministry of the Interior adopted a comprehensive Protocol to provide assistance to unaccompanied minors.

In November 2017 the government began refurbishment of the Zagreb Reception Center for Asylum Seekers at Porin, which remained operational, transferring some residents temporarily to Kutina Center.

Durable Solutions: The government committed to receive 1,583 refugees and asylum seekers (1,433 under an EU relocation plan and 150 under an EU resettlement plan). As of August the country had received 81 refugees from Greece and Italy and resettled 105 Syrian refugees from Turkey.

The government continued to participate in a five-year joint regional housing program (RHP) with the governments of BiH, Montenegro, and Serbia. The RHP aimed to contribute to the resolution of the protracted displacement situation of the most vulnerable refugees and displaced persons following the 1991-95 conflict. As of August, the RHP had provided housing to 229 families incorporating 510 individuals in the country.

Temporary Protection: The Ministry of the Interior reported that from January to August, the government granted subsidiary protection to 20 persons who did not qualify as refugees.

### **Stateless Persons**

UNHCR estimated there were approximately 290 persons stateless or at risk of statelessness in the country. Many of these persons were Roma who lacked citizenship documents. The Ministry of the Interior is responsible for granting stateless individuals residency and eventual citizenship. Leaders from the Romani community reported stateless individuals faced significant barriers to employment, education, property ownership, and access to medical services.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country last held national parliamentary elections in 2016 and presidential elections in 2015. According to observers both elections took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political processes, and they did participate. Representation of

women in major political parties remained low. The law requires that the “less represented gender” make up at least 40 percent of candidates on a party’s candidate list, with violations punishable by a fine. After the May 2017 elections, the Electoral Commission noted all major political parties fell short of this threshold, but there were no reports of fines imposed on political parties for this reason.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials. State prosecutors continued to prosecute several major corruption cases involving mayors, politicians, and public figures, and the judiciary generally imposed statutory penalties in cases in which there was a conviction. High-profile convictions for corruption, however, were frequently overturned on appeal. Corruption remained a problem, and significant numbers of high-profile corruption cases were underway. Officials sometimes engaged in corrupt practices with impunity.

Corruption: Several corruption cases against former high-level government officials reported in previous years were still pending. In 2017 the Zagreb County Court began trial proceedings against former HDZ transportation minister Bozidar Kalmeta and several other codefendants for corruption charges related to the embezzlement of 2.85 million euros (\$3.42 million). The trial was ongoing.

Zagreb Mayor Milan Bandic and two codefendants were acquitted October 19 in Zagreb County Court on charges they gave preferable treatment to conservative NGO “In the Name of the Family” in exchange for political support. The indictment alleged Bandic allowed “In the Name of the Family” to use city-owned stalls for free--a benefit worth at least 308,000 kuna (\$47,700)--to collect signatures for a petition to ban same-sex-marriage in 2013. Zagreb County Court found the action to be within Bandic’s discretionary rights as mayor. Separately, Bandic was standing trial in a case of alleged fraud, for defrauding the city budget of 25 million kuna (\$3.87 million), as well as for several counts of abuse of power and embezzlement.

Financial Disclosure: The law requires public officials to declare their assets and income, and government officials generally complied with this requirement. This information was available to the public. Fines are the penalty for noncompliance.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups sometimes operated without government restriction, investigating and publishing their findings on human rights cases. Domestic NGOs working on migrants' rights issues, however, reported police pressure, and the ombudsperson's 2017 report described pressure imposed on her office by senior Ministry of the Interior officials (see section 2.d.). Ministry of the Interior officials have denied pressure on NGOs. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The country has an ombudsperson for human rights who investigated complaints of human rights abuses, as well as three additional ombudspersons for gender equality, disabled persons, and children. The law stipulates that parliament cannot dismiss the ombudsperson for human rights because of dissatisfaction with his or her annual report. Parliament may dismiss the other three if it does not accept their annual reports. Ombudspersons admitted this limits the ability to do their jobs thoroughly and independently and imposes political influence over their work.

The law authorizes the ombudsperson to initiate shortened procedures in cases where there is sufficient evidence of the violation of constitutional and legal rights.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and domestic violence. The law was in most cases effectively enforced. A separate law, the Law on Protection against Family Violence, came into force in January. Sentences range from fines to time in jail, depending on the crime's gravity. Conviction for rape, including spousal rape, is punishable by up to 15 years' imprisonment. Conviction for domestic violence is punishable by up to three years' imprisonment, and the law provides for misdemeanor punishments and further protects victims' rights. Violence against women, including spousal abuse, remained a problem.

Police and prosecutors were generally responsive to allegations of domestic violence and rape, but there were isolated reports that local police departments did not consistently adhere to national guidelines regarding the treatment of victims of sexual assault. According to Ministry of Justice data, from the total number of perpetrators (11,506), 68 percent were men and 32 percent were women. Only 7

percent of these perpetrators were convicted, of which; 63 percent were fined or given suspended jail sentences. The government adopted the *Fourth National Strategy for Protection against Domestic Violence for 2017-22*.

In October the trial of Pozesko Slavonska County prefect Alojz Tomasevic began in Slavonski Brod Municipal Court on charges of domestic violence against his wife, who testified that he almost killed her. Tomasevic was removed from his political party but retained his position as prefect.

Sexual Harassment: The law criminalizes and provides for a maximum prison sentence of one year for sexual harassment of both men and women. The law was not enforced effectively. Protection is also prescribed by the law, under which NGOs reported there were few serious sanctions for perpetrators. The ombudsperson for gender equality reported that in 2017 all new allegations of sexual harassment related to the protection of women. The ombudsperson's report stated victims of sexual harassment were increasingly filing complaints anonymously, through third parties, or dropping charges entirely due to fear of reprisal.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods.

Discrimination: Women have the same legal status and rights as men. The law requires equal pay for equal work. In practice women experienced discrimination in employment and occupation (see section 7.b.).

## **Children**

Birth Registration: Authorities registered all births at the time of birth within the country or abroad. Citizenship is derived by descent through at least one parent who is a citizen of the country or through birth in the country's territory in exceptional cases.

Child Abuse: The law criminalizes abuse of children. Penalties range depending on the crime's gravity, and include long-term imprisonment if the consequence is death of a child. Child abuse, including violence and sexual abuse, remained a problem. The ombudsperson for children reported that police and prosecutors generally were responsive in investigating such cases.

Early and Forced Marriage: The legal minimum age for marriage is 18; children older than 16 may marry with a judge's written consent.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children; sale; offering or procuring for prostitution; and child pornography, and authorities enforced the law. Cases of such abuses were isolated. The Ministry of the Interior conducted investigative programs and worked with international partners to combat child pornography. The ministry operated a website known as Red Button for the public to report child pornography to police. The minimum age for consensual sex is 15.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

According to the Coordination of Jewish Communities in Croatia, the country's Jewish community numbered between 2,000 and 2,500 persons. Some Jewish community leaders continued to report anti-Semitic rhetoric online and in the media and an increase in anti-Semitic and Ustasha graffiti in the streets. NGOs reported cases of violent reprisal against community members who attempted to paint over swastikas.

The Jewish community also stated government officials did not sufficiently condemn, prevent, or suppress Holocaust revisionism.

On April 22, the government held its official annual commemoration for victims killed by the Ustasha regime at Jasenovac concentration camp. The Jewish community, along with the Serb National Council (SNV) and the Alliance of Anti-Fascist Fighters, boycotted the official commemoration for the third year in a row, holding their own commemorations instead. Jewish community leaders said the boycott was necessary to condemn the government's insufficient response to historical revisionism and lack of progress on property restitution.

Police prevented members of the Autonomous Croatian Party of Rights (A-HSP) from entering the Jasenovac Concentration Camp Memorial Site to hold meetings on April 22 and May 6. Prior to both attempts, A-HSP President Drazen

Keleminec sent the media an online invitation that included the Ustasha salute “Za Dom Spremni” (For the Homeland Ready).

In June Jasenovac officials condemned a presentation on HRT by writer Igor Vukic in which Vukic denied that crimes were committed at Jasenovac. They expressed concern that state-owned television presented a Holocaust denier as an authority on the subject of the concentration camp at Jasenovac.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services, but the government did not always enforce these provisions effectively. While the law mandates access to buildings for persons with disabilities, building owners and managers did not always comply, and there were no reported sanctions.

Children with disabilities attended all levels of school. They were included in classes with nondisabled peers, although NGOs stated the lack of laws mandating equal access for persons with disabilities limited educational access for students with disabilities.

### **National/Racial/Ethnic Minorities**

Constitutional protections against discrimination applied to all minorities. According to the ombudsperson for human rights, ethnic discrimination was the most prevalent form of discrimination, particularly against ethnic Serbs and Roma.

According to the SNV, the Serbian national minority faced hate speech, graffiti, and other vandalism of Serb monuments, and significant discrimination in the justice system, particularly regarding missing persons and war crimes cases. They also stated that counterprotestors often infringed on their right to free assembly by shouting threats and hate speech during solemn Serb commemorations. The SNV

reported police provided significant protection of a recent Serb commemoration in the town of Glina.

The government allocated funds and created programs for development and integration of Romani communities, but discrimination and social exclusion of Roma remained problems. An August study by the Government Office for Human Rights and Rights for National Minorities found Roma to be the most marginalized community in the country, living largely in isolated, impoverished communities without access to basic infrastructure, education, or employment. The study found 28 percent of Roma older than 14 finished only elementary school, 44 percent were unemployed, and only 50 percent had a bathroom in the home.

In a report released May 15, the Council of Europe's European Commission against Racism and Intolerance (ECRI) noted an escalation of hate speech in public discourse in the country between April and December 2017. The report pointed out a rise in youth nationalism, often in the form of praising the country's World War II Ustasha regime. The report described racism and xenophobia against Serbs; Roma; lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and refugees in the media and on the internet, abusive language toward the Roma population, and even some physical attacks against those groups and their property. The report said authorities failed to condemn hate speech and promote tolerance sufficiently.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination in employment and occupation, nationality laws, housing, access to education, and health care based on sexual orientation, gender identity, or gender expression. Minority groups said these provisions were not consistently enforced. In May ECRI reported the country was becoming increasingly hostile to LGBTI persons. In response to civil society concerns, the government revised the *2016-20 National Plan for Combating Discrimination* better to address LGBTI issues.

LGBTI NGOs noted uneven performance by the judiciary on discrimination cases. They reported members of their community had limited access to the justice system, with many reluctant to report violations of their rights due to concerns regarding an inefficient judicial system and fear of further victimization during trial proceedings. NGOs reported that investigations into hate speech against

LGBTI persons remained unsatisfactory. Police initiated court proceedings in only two of 19 cases in 2017.

Organizations which opposed the ratification of the Istanbul Convention invoked anti-LGBTI sentiment in their rhetoric, declaring same-sex couples, same-sex parents, and transgender persons a threat to the country and to traditional society. In February anti-LGBTI protestors burned a poster-sized effigy of a book for young children of same-sex parents (*My Rainbow Family*) during a children's carnival in the coastal town of Kastela.

In May vandals destroyed a large rainbow Pride flag marking the entrance to an event celebrating the International Day against Homophobia, Transphobia, and Biphobia. Subsequent police presence was heavy. A police investigation was ongoing.

### **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported some physicians and dentists refused to treat HIV-positive patients. HUHIV reported violations of confidentiality of persons diagnosed with HIV, with some facing discrimination including employment discrimination after disclosure of their status. There were reports that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients.

HUHIV reported that the government's recently implemented *National Plan for Fighting HIV* helped combat the stigmatization and discrimination of persons with HIV/AIDS. Additionally, HUHIV reported that an HIV diagnosis was no longer listed on government-supplied sick leave forms, protecting the privacy of HIV-positive individuals.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form or join unions of their choice, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law prohibits antiunion discrimination and allows unions to challenge firings in court. The law requires reinstatement of workers terminated for union activity.

Some limitations exist. There are restrictions on strikes and union activity for civilian employees of the military. Workers may strike only at the end of a contract or in specific circumstances cited in the contract, and only after completing mediation. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages.

The government and employers generally respected freedom of association and the right to collective bargaining. The government was generally effective in enforcing laws, including imposing penalties of one to 15 years' imprisonment. Penalties were sufficient to deter violations. Judicial procedures were lengthy, with frequent delays. The inefficiency of the court system hampered attempts to seek redress for antiunion discrimination and legal violations.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The state prosecutor reported no incidents of forced labor in 2017.

Penalties for conviction of forced labor, one to 15 years' imprisonment, were sufficiently stringent to deter violations, if enforced, but the government did not effectively enforce the law. The government collaborated with several NGOs on public awareness programs.

There were isolated reports that Romani children were at risk of forced begging. Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for the employment of children is 15, the age at which compulsory education ends for most children. Minors between ages 15 and 18, who have not completed compulsory education, may work only with prior approval from the government labor inspectorate and only if they would not suffer physically or mentally from the work. Children younger than 15 may work only in special circumstances and with the approval of the ombudsperson for children. In 2017 (the last year for which data were available), there were 233 such requests, of which 183 were approved, usually for children to act in film or theatrical performances. The law prohibits

workers younger than age 18 from working overtime, at night, or in dangerous conditions, including but not limited to construction, mining, and work with electricity. The Ministry of Labor and the Pension System; the ministry's Office of the State Inspectorate; and the ombudsperson for children are responsible for enforcing this regulation and did so adequately.

There were isolated instances of violations of child labor legislation. Labor inspectors identified 34 violations in 2017 involving 21 minors. Violations involved minors working overtime or past curfew and occurred mainly in the hospitality, retail, services, food service, and tourism sectors. Some children were reportedly subject to early marriage that could result in domestic servitude (see section 6, Children). Penalties were generally sufficient to deter violations.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation. Nonetheless, discrimination in employment or occupation occurred with regard to gender, disability, sexual orientation, HIV-positive status, and ethnicity, particularly for Roma. According to the ombudsperson for gender equality, women experienced discrimination in employment, including in pay and promotion to managerial and executive positions. Women generally held lower-paying positions in the workforce. The 2017 report of the ombudsperson for gender equality noted women's salaries averaged 88.7 percent of men's salaries, and that the wage gap was higher in the public sector than the private sector. Eurostat reported the wage gap was higher among older employees. Penalties for violation of employment discrimination laws were light, and the government inconsistently applied the law.

The ombudsperson for disabilities noted progress in 2017 regarding employment of persons with disabilities but said the government should take additional steps to reduce workplace discrimination and barriers to employment.

NGOs noted discrimination and harassment against LGBTI employees in the workplace, particularly in the health and hospitality sectors. According to the NGO Freedom House, although legislation protects LGBTI employees against discrimination at the workplace, employers did not have adequate policies and procedures in place to provide for protections against discrimination based on sexual orientation or gender identity. NGOs reported LGBTI persons sometimes refrained from publicly expressing their sexual orientation or gender identity because they were vulnerable to termination of employment or demotion.

### e. Acceptable Conditions of Work

The government effectively enforced wage laws, and penalties were sufficient to deter violations. Minimum wage was slightly above official poverty income level. The law limits overtime to 10 hours per week and 180 hours annually.

The government set health and safety standards to harmonize with EU laws and regulations. Responsibility for identifying unsafe situations remains with occupational safety and health experts and not the worker.

The Office of the Labor Inspectorate enforced the labor law through on-site inspections. According to the 2017 *Labor Inspectorate Annual Report*, there were 236 inspectors, sufficient to enforce compliance. The inspectorate conducted 32,393 workplace inspections in 2017 (up 10 percent from 2016) and reported 6,211 violations of labor laws (up 6 percent from 2016). The inspectorate referred 2,547 of these violations (up 8 percent from 2016) to misdemeanor courts for further action, and it temporarily closed 308 companies (up 6 percent from 2016) during the first six months of the year for labor law violations. The inspectorate issued fines for labor violations, which it deemed sufficient to deter future violations. Nonsafety violations of labor law were most common in the hospitality sector.

Some employees worked in the informal sector without labor protections. There were instances of nonpayment of wages, as well as nonpayment for overtime and holidays. The law allows employees to sue employers for wage nonpayment and provides a penalty of up to three years in prison for convicted employers, although the law exempts employers who fail to pay wages due to economic duress. Workers may sue employers who do not issue pay slips to their employees to bypass mandatory employer contributions to social insurance programs. During 2017 inspectors filed 115 reports (down 14 percent from 2016) for criminal proceedings against employers for nonpayment of wages or for not registering employees properly with state health and pension insurance.